IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.06.2007

C O R A M :

THE HONOURABLE MR.A.P.SHAH, THE CHIEF JUSTICE
AND
THE HONOURABLE MR.JUSTICE P.JYOTHIMANI

W.A.No. 752 of 2007
and M.P.No.1 of 2007

N. Liyakath Ali Khan ... Appellant

-vs-

1.The State of Tamil Nadu
rep. by Secretary to Government
Labour and Employment Department
Fort St. George
Chennai 600 009.
2.The Commissioner of Labour
DMS Complex
Chennai 600 006. ... Respondents

Writ Appeal filed under Clause 15 of Letters Patent against the order of the learned single Judge dated made in W.P.No.448 of 2007 dated 14.03.2007. This petition presented to this Court under Article 226 constitution of India to issue a writ of certiorarified mandamus to call for the records of the first respondent in G.O.(2D) No.52 Labour and Employment Department dated 28.12.2006 placing the petitioner under suspension readwith G.O.(2D) No.54 Labour and Employment Department dated 29.12.2006 not allowing the petitioner to retire from the service on superannuation and quash the said orders and consequently direct the first respondent to allow the petitioner to retire on 31.12.2006 the date of superannuation with pensionary benefits.

For appellant :: Mr. R. Vijayaraghavan,Sr.Counsel
M/s.P.Nehru & Sanjeev Kumar

For respondents :: Mr. Raja Kalifulla
Government Pleader

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JUDGMENT

(DELIVERED BY P.JYOTHIMANI,J.)

The order of suspension passed against the appellant and also another order not allowing him to retire on 31.12.2006, were challenged before the learned single Judge on the ground that no disciplinary proceedings or vigilance enquiry is pending against

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him and therefore, contemplating an enquiry in the absence of any such proceedings is contrary to records. The learned single Judge, having referred to the files produced by the respondents, has specifically found that in fact enquiry is pending before the Director of Vigilance and Anti-corruption Department against the appellant and in view of the same dismissed the writ petition.

2. In such circumstances, the contention raised on behalf of the appellant as if no disciplinary proceedings or contemplation of vigilance enquiry is not pending cannot be sustained. In view of the same, there is no ground to interfere with the order of the learned single Judge. Accordingly, the writ appeal is dismissed, however, with direction to the respondents to expedite the enquiry proceedings against the appellant. There is no order as to costs.

In view of dismissal of the appeal, connected miscellaneous petition is also dismissed.

8.6.2007

This mater having been posted on this day 'Being Mentioned' pursuant to the order of this court dated 8.6.2007 in the presence of Mr. R. Vijaya Raghavan, Sc for P. Nehru Advocate for the Appellant and Mr. Rajakalifulla Govt Advocate for respondent this Court made the following order:-

The matter is listed today for being mentioned.

Heard the learned senior counsel appearing for the appellant and the learned Government Pleader for the respondents.

This is in continuation of our order dated 8.6.2007. the State is directed to complete the enquiry within a period of six months from today. All contentions on merits are left open to the parties.

28.6.2007

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

1. The Secretary to Government
State of Tamil Nadu
Labour and Employment Department
Fort St. George,Chennai 600 009.

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2. The Commissioner of Labour
DMS Complex
Chennai 600 006.

+1cc to Govt. Pleader Sr 32936

+1cc to Mr.P.Nehru, Advocate Sr 33061

AKR (CO)
km/14.6.
SR/6.7.2007 W.A.No.752 of 2007

HIGH COURT OF JUDICATURE MADRAS
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